

CHARGE: 501(c)—while held for sale, the quality of the article fell below that which it purported to possess; and 502(a)—the label statement "To Be Used As A Preventive of Disease" was false and misleading as applied to a product which contained holes.

DISPOSITION: 9-23-60. Default—destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

6431. Ulcertrol. (F.D.C. No. 42661. S. No. 47-135 P.)

QUANTITY: 42 12-oz. ctnd. btls. at White Pigeon, Mich., in possession of Ulcertrol, Inc.

SHIPPED: Two ingredients of the article, grapefruit juice and lemon juice, had been shipped on unknown dates from New York, N.Y., Davenport, Fla., and Ontario, Calif.

LABEL IN PART: "Ulcertrol A Completely New Ulcer Treatment * * * Made * * * of the following: Potatoe water, orange, lemon & grapefruit juices * * * Ulcertrol, Inc., White Pigeon, Michigan."

ACCOMPANYING LABELING: Leaflet enclosed in each carton entitled "*Ulcertrol*."

RESULTS OF INVESTIGATION: The article was manufactured by the dealer at White Pigeon, Mich., using, among other ingredients, those ingredients which had been shipped in interstate commerce as described above.

LIBELED: 1-19-59, W. Dist. Mich.; amended 12-31-59.

CHARGE: 502(a)—while held for sale, the labeling of the article contained false and misleading representations that the article was an adequate and effective treatment for stomach ulcers.

The article was alleged also to be misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods.

DISPOSITION: Ulcertrol, Inc., appeared as claimant and filed an answer. Thereafter, the Government served written interrogatories upon the claimant and, on 9-16-59, the claimant made certain replies to the interrogatories. Subsequently, motions were filed by the Government and granted by the court to compel further and complete answers to the interrogatories. Such answers were furnished by the claimant. On 9-8-60, a motion for summary judgment was filed by the Government. Such motion was not opposed by the claimant and, on 2-7-61, the court entered a decree of condemnation and destruction.

6432. Vita-Lea tablets, Pro-Lecin tablets, and Pro-Vita tablets. (F.D.C. No. 44680. S. Nos. 18-743/4 R, 19-071 R.)

QUANTITY: 21 180-tablet btls. of Vita-Lea; 15 180-tablet btls. and 12 360-tablet btls. of Pro-Lecin; and 5 pkgs. of 2 360-tablet btls. each, of Pro-Vita, at Delta, Colo.

SHIPPED: 5-1-60 and 6-10-60, from Oakland, Calif., by Shaklee Products.

LABEL IN PART: (Btl.) "Shaklee * * * Food Supplement With Digestive Enzymes * * * Vita-Lea;" "Shaklee * * * Pro-Lecin;" and (pkg.) "Shaklee Twin Pack Pro-Vita * * * Protein Vitamins Lecithin Minerals * * * Distributed by Shaklee Products, Oakland, Calif."

*See also Nos. 6421, 6422, 6425, 6426, 6428-6430.

ACCOMPANYING LABELING: Folders entitled "4 Aids to The Wealth of Health Through Better Nutrition" and "The Best Way to Health is Nature's Way."

LIBELED: 7-11-60, Dist. Colo.

CHARGE: 502(a)—when shipped, the labeling of "Vita-Lea" and "Pro-Vita" contained false and misleading representations that the articles were adequate and effective to produce buoyant and optimum health; "youth-time energy"; vitality; vigor; unlimited energy; zest for living; resistance to disease; good appetite; good personality; sound bones and teeth; proper construction of cells; strong blood; and vibrant living; and the labeling of "Pro-Lecin" contained false and misleading representations that the article was adequate and effective to produce the results alleged above for "Pro-Lecin" and "Pro-Vita" and in addition to control and prevent excessive cholesterol in the blood; heart attacks; strokes; and high blood pressure.

The articles were alleged also to be misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods.

DISPOSITION: 9-6-60. Default—destruction.

6434. Metabolin capsules. (F.D.C. No. 44746. S. No. 41-197 R.)

QUANTITY: 1 50-lb. drum and 3 14-oz. btls. at Denver, Colo.

SHIPPED: The article was shipped in a bulk drum, on 3-23-60, from Decatur, Ill.

LABEL IN PART: (Drum) "Granular Lecithin Edible Soybean Phosphatides" and (btl.) "Glo-Way Chemical Co. * * * Lecithin * * * Granules From Soy Beans."

ACCOMPANYING LABELING: Booklet entitled "Lecithin and Health."

RESULTS OF INVESTIGATION: The 14-oz. bottles were packed by the dealer from the bulk stock shipped as described above.

LIBELED: 7-20-60, Dist. Colo.

CHARGE: 502(a)—while held for sale, the labeling of the article contained false and misleading representations that the article was adequate and effective for the prevention and treatment of diseases and conditions of the nervous system; glandular system; heart; kidney; liver; arteriosclerosis; deposits of cholesterol in the bloodstream; rheumatic carditis; coronary thrombosis; high blood pressure; anemia; diseases of the skin and hair; arthritis; diabetes; and mental ills; that it was capable of producing good health; healthier psyche; increased a feeling of well-being; longevity; resistance to virus infections; immunized against pneumonia; improved memory; increased hemoglobin count in the blood; promoted vigorous cell action and renewal of body cells.

The article was alleged also to be misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods.

DISPOSITION: 9-6-60. Default—destruction.

6434. Metabolin capsules. (F.D.C. No. 44746. S. No. 41-197 R.)

QUANTITY: 874 100-capsule boxes at Litchfield, Ill.

SHIPPED: 5-19-58, 8-12-58, 9-4-58, and on an unknown date, from Atlanta, Ga. These were return shipments.

LABEL IN PART: "Metabolin * * * Each Metabolin Capsule contains: Natural Non-activated Carbon 200 mg. Pepsin USP 15 mg. Thiamin Mononitrate USP 2.5 mg. Riboflavin USP 3.0 mg. Niacin USP 20 mg. Iron from Natural Sources, and Ferrous Sulfate 17 mg. Selected, Dried, Processed, and Naturally Fermented Grains* (corn, wheat, milo and oats) 400 mg. * * * Directions * * * Distributed by Plopper's Laboratories, Inc., Litchfield, Illinois."